

Appl. No. 09/377,611  
Amdt. dated December 16, 2003  
Reply to Office action of July 16, 2003

REMARKS

Reconsideration of this application is respectfully requested.

Claims 1, 2, 4-13, 15 and 19-26 were rejected. An amendment filed October 9 was refused entry. Claims 1, 2, 19 and 24 are currently amended. New claims 27 - 29 are added.

The claims were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-10, 12-18, 20 and 21 of co-pending Application No. 09/376,017. Applicants respectfully request that the double patenting rejection be held in abeyance until one of the two applications is found to contain allowable subject matter. As instructed in M.P.E.P. § 804(1)(B),

*The "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that "provisional" double patenting rejection is the only rejection remaining in one of the applications. If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent. [emphasis added]*

The claims were rejected under 35 U.S.C. § 103 as obvious over Christie et al. (US 6,182,117) in view of Tamer et al. (US 6,385,626). This rejection is respectfully traversed.

Applicants maintain the positions set forth in the reply filed May 19, 2003, which are incorporated by reference herein. There would have been no motivation to combine the two references.

Moreover, all of the independent claims are amended to include a feature neither disclosed nor suggested by the cited references. For example, claim 1 recites, "transmitting the

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modification list to an agent in communication with at least one web server, ... thereby notifying the at least one web server that the master source file set has changed; ... transmitting a signal to the agent separate from the modification list, the signal indicating that the agent is permitted to install the changes in the at least one web server " [Emphasis added] In addition to providing the notification of changes, the content distributor transmits a separate signal to the agent to indicate that the agent is permitted to install the changes. This allows the content distributor to maintain control over whether and when the changes are installed, even after the agent at the destination host has the notification of changes.

Christie neither discloses nor suggests this feature. Christie teaches each site having an agent, which uses information from the other sites, to determine which files need to be updated.

The site's mailbox contains objects sent by other replication agents from other sites. An object received from another site is removed from the mailbox and is eventually stored in the corresponding forum database at the receiving site along with its UID. It replaces any earlier version of the object already present in the database. If it is the final version of the object, it causes the object to be deleted from the database. ... (col. 4, lines 42-49).

... The replication agent uses a process referred to as reassembly to resolve dependencies. If the replication agent can resolve an object's dependencies, the object can be replicated into the site's forum database. ... (col. 5, lines 45-48).

When multiple versions of the same object are received at a site during replication, the object's UIDs can be used to resolve conflicts. For example, a site may receive a message from a first site to replicate an object modification. The same site receives a second message to update the same object from another site. That is, the object has been modified concurrently by different users at two different sites. The replication agent can use the version information contained in the objects sent by the two remote sites to determine what modification is implemented. The algorithm guarantees that the outcome will be the same at all sites by making the decision a function of the version information and the UIDs. (col. 6, lines 4-15)

Thus, in Christie's system, it is left up to the recipient to resolve which version of a particular object to install, and to determine when to install the object. Because Christie's receiver uses the UID information in each version of an object to determine what version to

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install, and uses dependency resolution as the criterion for deciding whether to perform the installation, Christie's replicator does not send the separate notification that is used to permit the recipient agent to install the changes. Each site looks at the state of all the other sites, selects the most up to date version, and installs that version without a separate signal sent after the notification of changes.

Tamer fails to cure the deficiency of Christie with respect to these features. Tamer merely indicates that "When changes are made to the database on the central computer system, those changes generally need to be propagated to the copies of the database on the remote computer systems. By identifying any changed information and propagating only the changed information (rather than the whole database) to the remote computer systems, the databases on the remote computer systems can be quickly and conveniently updated."

Claims 19 and 24 are amended to include features similar to those added to claim 1. Claim 19 recites, "... the content distributor transmitting a signal to the agent separate from the notification of changes, the signal indicating that the agent is permitted to install the changes in the web server, and the content distributor receiving a response after the signal is sent, the response indicating that the identified changes are installed." Claim 24 recites, "... the transmitter transmitting a signal to the agents separate from the notification of changes, the signal indicating that the agents are permitted to install the changes " Also, new claim 28 includes similar features.

Support for the amendments to the independent claims is provided at page 18, lines 10-21, and page 19, lines 16-20. No new matter is added.

In view of the foregoing, independent claims 1, 19, 24, and 28 and the dependent claims should now be allowable. Withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

Claim 27 is added to more fully cover the invention. Claim 27 recites, "waiting until a predetermined number or percentage of the agents determine that their respective web servers are able to receive the updated content before transmitting the changes to the agents." Support for claim 27 is provided at page 18, lines 16-21. The combination of Christie and Tamer neither disclose or suggest this feature. Christie transmits any change where the sender has a more

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up-to-date version than the recipient. Christie neither discloses nor suggests that a most recent update may not be transmitted until a predetermined number or percentage of the agents determine that their respective web servers are able to receive the updated content. Tamer fails to cure the deficiency of Christie with respect to this feature. Therefore, claim 27 should be separately patentable over the combination of Christie and Tamer.

New Claim 28 requires transmitting the changes and the separate signal to the agents if a predetermined number or percentage of the web servers are able to receive the updated content, and aborting the transmission of the changes to the agents if fewer than the predetermined number or percentage of the web servers are able to receive the updated content. This allows the web servers to all remain in sync with each other, with an earlier version of a document, rather than selectively updating some of the servers without maintaining coherency. The combination of Christie and Tamer neither discloses nor suggests this feature. Support for claim 28 is provided at page 18, lines 10-21, and page 19, lines 16-21.

New claim 29 requires " ... aborting installation of the changes if an insufficient number of agents are available to serve new content." The combination of Christie and Tamer neither discloses nor suggests this feature. Christie updates each host to include the latest changes, and does not provide for aborting transmission or installation to maintain coherence at an earlier version. Support for claim 29 is provided at page 18 lines 26-29. No new matter is added.

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance. Early notification to that effect is respectfully requested.

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The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

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